

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANGELO LENELL DAVIS,	)	
	)	Civil Action No. 11 - 1506
Plaintiff,	)	
	)	Chief Magistrate Judge Lisa Pupo Lenihan
v.	)	
	)	
MICHAEL HARLOW, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

**AND NOW**, this 22<sup>nd</sup> day of March, 2013;

**IT IS HEREBY ORDERED** that, pursuant to this Court's Memorandum Opinion, Defendants' Motion to Dismiss (ECF No. 49) is **GRANTED** in part, **DENIED** in part, and **DENIED WITHOUT PREJUDICE** in part.

**IT IS FURTHER ORDERED** that all claims in Plaintiff's Second Amended Complaint are dismissed with prejudice except for Plaintiff's retaliation claims against Defendants Cowan, Nickolas, Swartz, Macknair, Staley, Guyton, Burris, Winfield, Matthews, Bupka, Baker, Mitchell and Rogers.

**IT IS FURTHER ORDERED** that Defendants may reassert their argument regarding exhaustion of administrative remedies in a properly filed motion for summary judgment.

**IT IS FURTHER ORDERED** that the Clerk shall direct the United States Marshal to mail a copy of Plaintiff's Second Amended Complaint (ECF No. 46), notice of lawsuit and request for waiver of service of summons, and waiver, to Defendants Rogers, Guyton and Burris.

Cost of service shall be advanced by the United States. Defendants are requested to waive service pursuant to Rule 4(d).

/s/ Lisa Pupo Lenihan

Lisa Pupo Lenihan  
Chief United States Magistrate Judge

Cc: Angelo Lenell Davis  
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175 Progress Drive  
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*Via U.S. Postal Mail*

Counsel of Record  
*Via ECF Electronic Mail*